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Paper No. 9

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DIRECTOR OFFICE
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In re Application of
Jae JUNG, et al.
Application No. 09/439,206
Filed: November 12, 1999
For:

DECISION ON PETITION
TO WITHDRAW HOLDING OF
ABANDONMENT

**METHOD FOR CONTROLLING
TRANSMISSION CONTROL
PROTOCOL WINDOW SIZE IN
ASYNCHRONOUS TRANSFER
MODE NETWORK**

This is a decision on the petition filed December 27, 2004 to withdraw holding of abandonment pursuant to 37 C.F.R. § 1.181(a). No fee is required.

The petition is **GRANTED**.

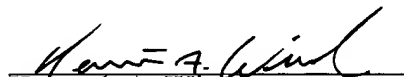
The application was abandoned for failure to respond in a timely and effective manner to the non-final Office action mailed July 15, 2003. A Notice of Abandonment was mailed on November 15, 2004.

Petitioner asserts that a proper response was timely filed on October 15, 2003. In support of the petition, Petitioner has submitted, a copy of Applicant's reply and a date-stamped post card receipt evidencing receipt of the response within the United States Patent & Trademark Office on October 15, 2003.

The original correspondence filed was not matched with the application file and cannot be located. However, M.P.E.P. § 503 states, "[a] post card receipt which itemizes and properly identifies the papers which are being filed serves as *prima facie* evidence of receipt in the U.S.PTO of all the items listed thereon on the date stamped thereon by the PTO." Accordingly, it is concluded that the response was timely filed in the Patent and Trademark Office but not matched with the application file. The fees submitted with the original response have been received and credited to the instant application.

In view of the above stated reasons, the Notice of Abandonment is hereby vacated and the holding of abandonment withdrawn.

The application file will be forwarded to the Technology Center's technical support staff for entering the copy of the response submitted with the petition. From there, the file will be forwarded to the examiner for further examination in due course.


Kenneth A. Wieder
Special Program Examiner
Technology Center 2600
Communications